

Restitution

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Restitution is a philosophical framework that provides a different way of looking at crime and criminal justice (Fields, 2003). This framework was first used in the criminal justice system to allow juveniles and adults to financially repair the harm they had caused. In the United States, there was a study of 6,000 juvenile justice cases, and in cases where the juvenile agreed to pay restitution, they returned to court significantly less often (Fields, 2003). This framework of repairing the harm to the victim was eventually extended into the schools. (See strategy brief on Restorative Practices.) However, the type of restitution that is used in schools is different than what is used in the criminal justice system. In most cases students would not be paying money when doing restitution at school.

In schools traditional discipline systems are not very effective in teaching how to resolve conflicts well, nor do they teach students how to repair the harm they have caused to relationships (Cavanagh, 2009). “Restitution”, the topic of this brief and the topic of another brief, “restorative practices” are closely related. As described here, restitution is much more focused on students learning responsibility and repairing the harm they have caused as a vehicle to their own learning and development, and in particular, they develop skills of self-awareness and self-control. As such, it tends to focus on individual students and classrooms, and how educators can use their counseling skills to achieve these goals for individual students through the repair of harm. Its emphasis is on the therapeutic value of repairing harm to the individual who created the harm. In schools it tends to have an individual student or classroom focus. Restorative practices on the other hand, are a set of strategies which are focused on restoring more broadly the larger environment after someone has done harm. This includes strategies not only for physical repairs, but also social and emotional repairing of relationships and the larger community as well as the individual student. Restorative practices tend to involve larger groups and community members as a team to assist and support the repair process, and tend in schools to have a more school-wide procedural and disciplinary focus. Examples include “family group conferencing” and “youth courts”. As a result these two approaches differ more in emphasis than substance, and both have very compatible principles. [see the *Strategy Briefs* on Restorative Practices, Family Group Conferencing, and Youth Courts].

What is Restitution?

The philosophy of restitution and the model for implementing a restitution program in schools was developed by Diane Gossen (Penner, 2011). Gossen argues that schools need to focus on how to help the student learn to be better rather than focusing on punishing the stu-

dent for inappropriate behaviors (1998). She believes there are three reasons why people behave. First, it might be to avoid pain or negative consequences. The second reason is because the person wants respect or rewards from someone else and the third reason is respect for oneself (Gossen, 2004b). The restitution process attempts to improve students' motivations to behave because they respect themselves (Penner, 2011).

In the field of criminal justice restitution is defined as an act that is done to correct an error or to make amends to a person or community who has been injured in some way by the person (Fields, 2003). When applied to schools restitution is a counseling-based approach to help students learn to manage themselves (Brown, 2004). Restitution seeks to help students fix their mistakes so they can return to the classroom better than when they left (Penner, 2008). Gossen (2004b) defines restitution as a tool that teachers can use to gain control of the classroom without "sacrificing the self-esteem of the individual" so that students will admit when they make mistakes and try to correct them, which leaves the student feeling stronger (p. 21). The focus is not on punishing students, rather the focus is on helping students to become better people by encouraging them to come up with a plan to fix their mistakes so that they become the person they want to become (Penner, 2008).

Restitution is based in part on William Glasser's "Control Theory" and its evolution to "Choice Theory", and also on Australian aboriginal practices of independence and self-discipline (Erwin, 2003). Glasser's Choice Theory states that there are five basic needs which students have. These are survival, love and belonging, freedom, fun, and power, which he defined as personal growth. Reality Theory states that internal motivation guides all human behavior and aboriginal practices focus on self-discipline and self-control through internal motivation (Erwin, 2003).



To summarize, restitution serves a number of purposes including moving away from traditional forms of punishment to a more restorative discipline or classroom management system which moves the student toward self-discipline and results in the restoration of a more self-aware student back to the classroom (Gossen, 1998; Gossen, 2001).

The Restitution Model

The premise of Gossen's restitution model is the student committing the wrong develops a plan to fix the harm caused (Fields, 2003). This model has been implemented in over a thousand schools in Canada and the United States and there has been a book written on how to implement a restitution program entitled "Restitution: Restructuring School Discipline" by Diane Gossen. Restitution restructuring means the school "create[s] conditions for the person to fix their mistake and to return to the group strengthened" (Gossen, 2001). Restitution restructuring is important in implementing a restitution program because it celebrates diversity and conflict is considered positive (Gossen, 1998). There are three variables of restitution that have to be managed by the teacher or person implementing restitution. First, the teacher needs to find out what the student wants to become by asking him or her. Second, there needs to be a social contract developed between the teacher and students in the class so that they feel like they belong to the group and want to stay in the group. Finally, the value or values that the teacher is trying to teach the student needs to be considered (Gossen, 2001). If the student wants to become an independent person then restitution can be tried, but if the student does not wish to comply with developing a restitution and does not want to be a part of fixing the problem, then consequences need to be given to the student.

There are some characteristics of a restitution program that should be found in any classroom or school implementing this program. Over time, rules need to be replaced with beliefs

which are drafted by the students with the input of the teacher or administration. Then when students do not follow the belief, there should be a circle meeting of the class (Minogue, 2006). There are different models of circle meetings, but the principle of circle meetings is that students sit in a circle and process through how to help a student fix their mistake. This is done primarily in the beginning of the implementation process and decreases as students become more capable of figuring out how to fix their mistakes on their own.

To move the students towards the goal of self-discipline, the teacher needs to reduce the number of interventions so that the teacher and student can have more positive interactions (Gossen, 2001). Gossen lists several strategies in her book for doing this. Then the teacher needs to discuss the roles of the teacher and the students, the values, and rules to support the values desired in the classroom. Finally, there needs to be clear limits set and those limits need to be maintained by the teacher. These are the essential elements to developing a restitution program within a classroom (Gossen, 2001). Part of the process of restitution is helping students to identify negative feelings and teach them how to handle them. Restitution teaches that all people have negative feelings. People have negative feelings when a need is not being met. So the teacher helps the student to identify which of their needs, under Glasser's Control Theory, is not being met and then the student and teacher work to figure out how to meet that student's need (Gossen, 1998).

There are four criteria a teacher should use to evaluate whether a restitution that a student comes up with is a good plan. There needs to be considerable time and effort put into planning the restitution plan, the victim needs to be satisfied with the outcome and the process, the type of restitution agreed to needs to be logically related to the mistake made, and the student who made the mistake needs to be learning how to build positive relationships with others and strengthen his capacity to behave in

ways that are in line with the values and goals of the school community (Fields, 2003).

Restitution is most effective when the teacher can have a calm demeanor, be patient as sometimes the student does not come up with the answers that the teacher wants in the beginning, and keep control of their voice so that the student does not feel like they are being talked down to (Penner, 2011). Students also need to remain calm and breaks should be taken if the student begins to escalate their voice or behavior. There needs to be trust and respect between the teacher and students and students need to feel they are in a safe environment (Penner, 2011). A school wide restitution program is most effective when there is buy-in from the staff and there is collaboration with colleagues, support from the administration, the staff all speak the same language, goals are set with staff input, there is parental support and a compassionate approach is taken (Penner, 2011).

What Do We Know About Restitution?

Most of the research that has been done on restitution is at the building level. Although there have been no controlled studies of the restitution model in schools, there is considerable evidence that it may have promise as a practice to reduce office referrals and suspension. In every school in which restitution has been implemented discipline incidents have been reduced (Gossen, 2004a). Erwin (2003) stated that restitution has resulted in “dramatic improvement in students’ attitudes and behavior and remarkable improvement in the quality of student learning and performance” (p. 22). Minogue (2006) reported that many schools implementing restitution have stated it’s an unqualified success. In the United States, North Dakota, North Carolina, Illinois, Minnesota and New York are just some of the states where restitution has been implemented (Chelsom



Consultants Limited, 2006). Restitution is being implemented in elementary, middle level, and high schools (Chelsom Consultants Limited, 2002).

In one study, a school had 4,146 office referrals. This number decreased to 2,454 the next year, which was a 40% reduction. The school also saw a 62% reduction in classroom disruptions and a 90% improvement in school and class attendance (Gossen, 1998). Minogue (2006) also reported schools implementing restitution in Nakusuk, Canada have seen increases in attendance and graduation rates. In one middle school, office referrals went from 2,096 to 1,653 in four years, in-school suspensions went from 463 to 323, students sent home for the day went from 287 to 201, detentions went from 232 to 12, out-of-school suspensions went from 266 to 92, days students were suspended went from 775 to 264 and mediations went from 127 to 48 (Penner, 2011).

In another study, teachers who were practicing restitution saw a 20% increase in their students’ GPA over teachers who were not using restitution (Gossen, 1998). Another school using restitution saw their office referrals go from 1,068 to 60 in three years and their fighting inci-

dents went from 167 to 99 in the same time span (Chelsom Consultants Limited, 2002). In Naku-suk, Canada, discipline problems have declined dramatically, more students are coming to school and the attendance rates have increased for those students who had been coming to school (Minogue, 2006).

In elementary, middle level, and high schools which have implemented restitution, they have reported discipline incidents have dropped and continue to do so years after implementation, grade scores went up, teacher sick days dropped and student absences dropped (Chelsom Consultants Limited, 2006). In one school, office referrals dropped from 12-15 per day to 0-2 per day in four years. Another school, which has 97% of its students on free and reduced lunch, went from 1,670 office referrals to 365 in five years. Another school went from 49 out-of-school suspensions to 5 out-of-school suspensions and 3 in-school suspensions in three years (Chelsom Consultants Limited, 2006). In addition to the decreases in discipline issues there have also been other positive results of restitution. According to research reports, restitution has been found to be an effective tool in establishing cultural patterns which help to develop learning communities (Brown, 2004). Restitution has also been found to improve school climate (Penner, 2011). [see strategy brief on School Climate]. There is more research being done on restitution, but the results so far have been very promising. The goal of restitution is to help students to become independent and self-disciplined so that when they walk out the doors of the school for the last time, they will be able to be productive citizens and independent learners who can control their own behavior.

Making Restitution Work

There are three considerations to take into account when thinking about implementing a restitution program. The first is that implementation takes about three to five years

(Penner, 2008). The second is that there must be a paradigm shift among staff members from a punishment and consequences mentality to thinking about how to help students develop self-discipline (Penner, 2011). The final point is that some students simply are not ready to do restitution. If a teacher asks a student if they would like to fix their mistake and the student says no, then the teacher must go back to consequences for the student because they have to be willing participants in the process or it does not work (Gossen, 2001). As a result it may be unlikely that these practices would work well for developmentally young children, or children with serious or chronic emotional or behavioral disorders or mental health issues.

School districts tend to implement restitution one school at a time as it is a process that takes time and training. On average, eighteen hours of professional development is provided to teach staff members how to implement restitution (Chelsom Consultants Limited, 2006).

Conclusion

The restitution model may be a useful alternative to traditional punishment oriented discipline consequences. This model requires a different type of orientation than the traditional approaches, but might offer a better chance to bring about changed behavior and “healing”. Preliminary research shows much promise in this approach as a discipline alternative which will reduce the number and intensity of discipline incidents.



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Note: See related Strategy Briefs on *Family Group Counseling, Mediation, and Restorative Practices* also available from the Student Engagement Project, University of Nebraska-Lincoln, 202 Barkley Center. <http://k12engagement.unl.edu>.

Restitution References

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